

Your ref: PP-06636117
Our ref: 1272 1 LMS MAG

04 January 2018

Planning Manager
South Holland District Council
Priory Road
Spalding
Lincolnshire
PE11 2XE

Dear Sir

**MR AND MRS M J PATTERN
TOWN AND COUNTRY PLANNING ACT 1990 SECTION 191
CONTINUED OCCUPATION OF DWELLING NOT IN ACCORDANCE
WITH AGRICULTURAL OCCUPANCY CONDITION (3) OF OUTLINE
PLANNING PERMISSION EE 214/71 AND CONDITION (2) OF
RESERVED MATTERS APPROVAL EE 387/71.
THE BUNGALOW, GIMMEL'S GATE, SUTTON CROSSES, LONG
SUTTON, LINCOLNSHIRE, PE12 9UA**

Please find enclosed a cheque for £195 in support of the above application for a Certificate of Lawfulness for the above submitted via the Planning Portal, reference PP-006636117.

Outline Planning Permission was granted on 22 July 1971 for the erection of a "House and produce agent and nurserymen's business at Gimmel's Gate, Long Sutton". A subsequent Reserved Matters application (EE 387/71) was granted for a bungalow and garage on 9 December 1971.

Condition 3 on the outline planning permission (repeated as condition 2 on the Approval of Reserved Matters) required that:-

"The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, locally in agriculture as defined in section 221(1) of the Town and Country Planning Act, 1962, or forestry, or a dependant of such a person residing with him (but including a widow or widower of such a person).

Reason:-

In order to comply with the requirements of section 65 of the Town and Country Planning Act 1968".

Mr Michael Pattern's father constructed the original bungalow (also known as 'Irie') and associated business in 1972 and traded as T E Pattern Produce Merchant. In 1979 Mr Michael Pattern left school, by which time the growing/production part of the business was in decline and the buildings on site had become derelict. Our clients moved into the dwelling in 1993 and have owned the property from 1999 onwards.

In December 1993 Patterns Transport Ltd was set up on land, formerly used to grow agricultural and horticultural produce, as a haulage company dealing in the transportation of third party produce around the country and abroad. The business has never grown any produce.

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In 1994 Full Planning Permission (H11/0203/95) was granted for the change of use at the rear of the bungalow for the standing and loading of vehicles. In 1995 a Certificate of Lawful Use (H11/1106/94) was granted for the standing and loading of up to six motor vehicles used for the hauling of agricultural and horticultural produce. In 1996 Full Planning Permission (H11/0105/96) was granted for the erection of a covered loading area (a building) and transhipping area on land that was occupied by the derelict polytunnels. Condition 4 of that permission limited the use of the building to that involving the haulage of agricultural and/or horticultural produce.

The business has continued to thrive providing logistics to agricultural and horticultural businesses in the area and the movement of non-agricultural cargo, but has at no time grown produce itself.

More recently, Mrs Pattern has become the company secretary.

Neither Mr nor Mrs Pattern have been employed, or last employed locally in agriculture whilst in occupation of the bungalow at Gimmel's Gate since moving to the property in 1993.

We have included as part of the application letters from businesses and those dealing with the company accounts to corroborate the nature of the occupation.

The information we have provided is clear and unambiguous and we trust proves that, in the balance of probability, as the dwelling has not been occupied by someone solely or mainly employed locally in agriculture and the original condition has been breached for a continuous period of not less than 10 years from the date of this application, the use is lawful.

We would, therefore, invite the local planning authority to agree with our statement and grant the Certificate of Lawfulness for the continued occupation of the dwelling not in accordance with condition 3 of Outline Planning Permission EE 214/71 and condition 2 of Reserved Matters Approval EE 387/71.

Should you require any further information or clarification, please do not hesitate to contact us.

Yours faithfully



Lewis Smith MRTPI

Enclosures: Cheque

cc Mr and Mrs M J Pattern